

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

| | | |
|--------------------------------------|---|-----------------|
| JASON AARON McCOLLUM, |) | |
| |) | |
| Plaintiff, |) | |
| |) | No. 1:04-CV-336 |
| v. |) | |
| |) | Mattice /Lee |
| CITY OF CHATTANOOGA, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

-and-

| | | |
|--------------------------------------|---|-----------------|
| MATTHEW TRENT JONES, |) | |
| |) | |
| Plaintiff, |) | |
| |) | No. 1:05-CV-245 |
| v. |) | |
| |) | Mattice /Lee |
| CITY OF CHATTANOOGA, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

ORDER

Before the Court is the motion of plaintiff Jason Aaron McCollum (“McCollum”) [Case No. 1:04-cv-336] for permissive joinder with plaintiff Matthew Trent Jones and the separate case, *Jones v. City of Chattanooga, et al.*, [Case No. 1:05-cv-245] pursuant to Fed. R. Civ. P. 20 [Doc. No. 51]. A hearing on McCollum’s motion was held on February 3, 2006. During the hearing, McCollum requested no action be taken on his motion for permissive joinder until a ruling was issued on his pending motion to consolidate his case with Case No. 1:05-cv-245 [Doc. No. 49]. Accordingly, on February 23, 2006, a report and recommendation was issued which recommended, *inter alia*, that

McCollum's motion for joinder be held in abeyance until action was taken on his motion to consolidate [Doc. No. 72]. The report and recommendation also provided that once action was taken on his motion to consolidate, McCollum was to notify the Court within five days whether he desired a further hearing on his motion for joinder or the motion would be stricken as moot [*id.* at 2]. On March 31, 2006, the Court issued an order adopting the findings of fact, conclusions of law and recommendations set forth in the aforementioned report and recommendation [Doc. No. 73].

On April 24, 2006, the Court issued an order granting McCollum's motion to consolidate [Doc. No. 75]. More than five days have elapsed since the Court granted McCollum's motion to consolidate and McCollum has not requested a further hearing or any further action on his motion for joinder. Accordingly, McCollum's motion for joinder [Case No. 1:04-cv-336, Doc. No. 51] is **STRICKEN** as having been rendered **MOOT**.

SO ORDERED.

ENTER:

s/ Susan K. Lee
SUSAN K. LEE
UNITED STATES MAGISTRATE JUDGE